

On page 4, line 17, strike out “(D)” and insert “(iv)”.

On page 4, line 21, strike out “(E)” and insert “(v)”.

On page 4, line 24, strike out “(4)” and insert “(D)” . . .

On page 5, after line 19, insert new sections f, g, and h, as follows:

“Sec. f. The annual reports submitted to the Congress pursuant to section 2 of this Act shall be referred by the Speaker to each standing committee of the House of Representatives that has jurisdiction over any part of the subject matter of the reports. . . .

“Sec. h. There are authorized to be appropriated to carry out the provisions of this Act not to exceed \$300,000 for fiscal year 1970, \$500,000 for fiscal year 1971, and \$1,000,000 for each fiscal year thereafter.”

MR. ASPINALL: After the bill has been perfected by the so-called Aspinall amendment, the amendment offered by the gentleman from Connecticut is offered as an amendment to that amendment as such, after it has been adopted by the House.

If the amendment were offered as a substitute, then I could not object to it, so far as that is concerned. But I object to it as purely an amendment. . . .

THE CHAIRMAN:⁽¹⁸⁾ . . . The Chair upholds the point of order of the gentleman from Colorado that the amendment of the gentleman from Connecticut attempts to amend an amendment already agreed to and is not in order. The Chair sustains the point of order.

Parliamentarian's Note: Had it not been for the conflict between the conforming amendments, the

18. Richard D. McCarthy (N.Y.).

Chair might have permitted the Daddario motion to strike out and insert, since it struck out more than the words previously stricken by the Aspinall amendment.

§ 31. Adoption of Motion To Strike Out; To Strike Out and Insert

Adoption of Amendment Striking Out Section as Vitiating Prior Adoption of Perfecting Amendments to Section

§ 31.1 A motion to strike a section of a bill, if adopted, strikes the entire section including a provision added as a perfecting amendment to that section.

On Sept. 29, 1975,⁽¹⁹⁾ during consideration of a bill⁽²⁰⁾ in the Committee of the Whole, a perfecting amendment had been adopted. Pending was a motion to strike the section carrying the perfected text. The Chair responded to parliamentary inquiries, as follows:

MR. [BILL] ALEXANDER [of Arkansas]: I have a parliamentary inquiry, Mr. Chairman.

19. 121 CONG. REC. 30772, 30773, 94th Cong. 1st Sess.

20. H.R. 8630, Postal Reorganization Act Amendments of 1975.

THE CHAIRMAN:⁽¹⁾ The gentleman will state it.

MR. ALEXANDER: Mr. Chairman, in order to perfect the amendment which was just passed, is it not necessary for this body to vote no on the amendment offered by the gentleman from Illinois (Mr. Derwinski) which is now before the House?

THE CHAIRMAN: The Chair cannot respond to the inquiry as the gentleman stated it, but if the gentleman's inquiry is whether or not the motion offered by the gentleman from Illinois, if agreed to, would strike the entire section including the part that the gentleman from Arkansas has perfected, the answer of the Chair would be "yes." . . .

MR. [WILLIAM D.] FORD of Michigan: Did I understand the Chair to rule that even though the pending amendment of the gentleman from Illinois (Mr. Derwinski) is an amendment to strike the entire section, the amendment offered by the gentleman from Arkansas was a perfecting amendment to this section, that the gentleman's amendment if it now carries would not strike the entire section including the new language inserted by the gentleman from Arkansas?

THE CHAIRMAN: The amendment offered by the gentleman from Illinois (Mr. Derwinski) would strike the entire section including the language offered by the gentleman from Arkansas and agreed to by the Committee.

—Perfecting Amendments Not Reported to House

§ 31.2 Adoption by the Committee of the Whole of an

1. Walter Flowers (Ala.).

amendment striking out a section of a bill vitiates the Committee's prior adoption of perfecting amendments to that section, and only the motion to strike out is reported to the House.

On Feb. 5, 1974,⁽²⁾ during consideration in the House of a bill⁽³⁾ reported back from the Committee of the Whole, the Speaker responded to a parliamentary inquiry as indicated below:

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. Matsunaga, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 11221) to provide full deposit insurance for public units and to increase deposit insurance from \$20,000 to \$50,000, pursuant to House Resolution 794, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

THE SPEAKER:⁽⁴⁾ Under the rule, the previous question is ordered.

The question is on the amendment. . . .

MR. [ROBERT G.] STEPHENS [Jr., of Georgia]: Which amendment are we voting on, Mr. Speaker? The amendment adopted in the Committee of the Whole?

2. 120 CONG. REC. 2078, 2079, 93d Cong. 2d Sess.
3. H.R. 11221, amending the Federal Deposit Insurance Act.
4. Carl Albert (Okla.).

THE SPEAKER: The amendment adopted in the Committee of the Whole.

Without objection, the Clerk will read the amendment.

The Clerk read as follows:

Amendment: Strike out section 1 of the bill. . . .

MR. [LAWRENCE G.] WILLIAMS [of Pennsylvania]: While the bill was under consideration, under section 1 an amendment was adopted which was offered by Mr. Stephens of Georgia. At a later time an amendment was offered by Mr. Wylie to section 1 to strike section 1. If the amendment offered by Mr. Wylie in the Committee of the Whole is now defeated in the Whole House, does not that continue Mr. Stephens' amendment in the bill.

THE SPEAKER: The answer is "no." If the Wylie amendment is defeated, the House will have before it the bill as reported by the committee, without any amendment to section 1. . . .

The Chair wishes to make clear the parliamentary situation. Several amendments were adopted to section 1. Subsequently an amendment offered by the gentleman from Ohio (Mr. Wylie) striking section 1 was adopted. That is the only amendment reported to the House, the amendment striking section 1.

§ 31.3 Where a perfecting amendment adopted in Committee of the Whole is superseded by adoption of an amendment in Committee striking out the section comprehending the perfecting amendment, the perfecting

amendment is not reported to the House, and the bill returns to the form as originally introduced upon rejection by the House of the amendment reported from Committee of the Whole.

On Aug. 4, 1976,⁽⁵⁾ the Committee of the Whole having reported a bill⁽⁶⁾ back to the House with amendments, the proceedings described above occurred as indicated below:

THE SPEAKER:⁽⁷⁾ Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment?

MR. [MELVIN] PRICE [of Illinois]: Mr. Speaker, I demand a separate vote on the so-called Bingham amendment. . . .

THE SPEAKER: The Clerk will report the amendment on which a separate vote is demanded.

The Clerk read as follows:

Amendment: Starting on page 1, line 5, delete sections 2 and 3 of the bill, and renumber section 4 as section 2. . . .

[The amendment was rejected.]

MR. [JOHN B.] ANDERSON of Illinois: Mr. Speaker, I offer a motion to recommit.

THE SPEAKER: Is the gentleman opposed to the bill?

5. 122 CONG. REC. 25425-27, 94th Cong. 2d Sess.

6. H.R. 8401, the Nuclear Fuel Assurance Act.

7. Carl Albert (Okla.).

MR. ANDERSON of Illinois: I am, Mr. Speaker, in its present form.

THE SPEAKER: The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. Anderson of Illinois moves to recommit the bill H.R. 8401 to the House Members of the Joint Committee on Atomic Energy with instructions to report back to the House forthwith with the following amendments: . . .

On page 2, line 20 strike all after "public;" and insert the following: "Provided however, That the guarantees under any such cooperative arrangement which would subject the Government to any future contingent liabilities for which the Government would not be fully reimbursed shall be limited to the assurance that the Government-furnished technology and equipment will work as promised by the Government over a mutually-agreed-to and reasonable period of initial commercial operation." . . .

MR. [ALBERT H.] QUIE [of Minnesota]: . . . I support private business getting into the nuclear fuel enrichment business but I oppose the guarantees provided in subsections 4 and 5 of section 45(a). . . .

In listening to the motion to recommit, am I right that the gentleman's motion to recommit in effect negates subsections 4 and 5 on page 3 of the bill?

MR. ANDERSON of Illinois: The gentleman is correct. . . .

The Bingham amendment struck sections 2 and 3. Even with the defeat of that amendment, we are now back to the original committee bill in its unamended form. We must put back in the bill with this motion to recommit any sections that provide for prior con-

gressional approval of any contract that provides that there can be no contingent liability on the part of the Government, save that provided for in an appropriation bill, plus the additional language which I just read to the Members which will assure that we are limiting this to a warranty of technology. . . .

MR. PRICE: . . . What the gentleman from Illinois is saying is that unless we do recommit the bill with instructions, we will go back to the original bill before it was worked on in the Joint Committee and amended in a way that was palatable to the House and which caused the House eventually to support it. Is that correct?

MR. ANDERSON of Illinois: The gentleman has stated the parliamentary situation correctly. We will be back to the committee bill before we had amended it with those committee amendments which were accepted without dissent in the Committee of the Whole. Because those sections as amended were stricken, even though we defeated the Bingham amendment, we must now go back and assure this House that we report this bill to this House in a form that contains the provisions for a 60-day congressional review.

Parliamentarian's Note: House Resolution 1242 had specifically waived points of order under Rule XVI clause 7, to permit the consideration of the amendment recommended by the Joint Committee on Atomic Energy printed in the bill. (The amendment was not germane, because it provided for a rules change to permit privi-

leged consideration of resolutions of disapproval, whereas the original bill provided no such mechanism.) While the precedents indicate that a motion to recommit a bill with instructions may not direct the committee to report back forthwith with a nongermane amendment, it is nevertheless true that an amendment incorporated in such a motion is in order if it would have been in order to consider that recommended amendment as an amendment to the bill. Since the text of the motion to recommit was identical to the committee amendment protected by the waiver, the motion to recommit was in order in the form indicated above.

Inserting Language Similar or Identical to Stricken Language

§ 31.4 It is not in order to insert by amendment language identical to that previously stricken out by amendment.

On Mar. 14, 1940,⁽⁸⁾ the following proceedings took place:

Amendment offered by Mr. [Francis E.] Walter [of Pennsylvania]: Page 2,

8. 86 CONG. REC. 2904, 2905, 76th Cong. 3d Sess. Under consideration was H.R. 7079, relating to appointment of additional district and circuit judges.

line 3, after "New York", insert "and one who shall be a district judge for the northern and southern districts of Florida."

MR. [JOHN] TABER [of New York]: Mr. Chairman, I make the point of order that that particular language has already been stricken out of the bill by action of the committee. . . .

THE CHAIRMAN:⁽⁹⁾ . . . The Committee of the Whole acted on a committee amendment striking out this identical language; therefore, the point of order is sustained.

§ 31.5 It is in order to insert by amendment language similar, but not identical, to that previously stricken out by amendment.

On Mar. 14, 1940,⁽¹⁰⁾ the following proceedings took place:

Amendment offered by Mr. [Francis E.] Walter [of Pennsylvania]: Page 1, line 10, before the word "one" insert "one for the northern and southern districts of Florida.". . .

MR. [JOHN] TABER [of New York]: That has already been voted upon by the Committee and has been stricken from the bill. . . .

THE CHAIRMAN:⁽¹¹⁾ The Chair believes that while there is some similarity, there is sufficient difference to justify submission of the amendment.

§ 31.6 While it is not in order to reinsert precise language

9. Richard M. Duncan (Mo.).

10. 86 CONG. REC. 2907, 2908, 76th Cong. 3d Sess. Under consideration was H.R. 7079, relating to appointment of additional district and circuit judges.

11. Richard M. Duncan (Mo.).

stricken by amendment, an amendment similar but not identical to the stricken language may be offered if germane to the pending portion of the bill, and the Chair will not rule on the propriety of such an amendment prior to its being offered.

On July 23, 1975,⁽¹²⁾ during consideration of a bill⁽¹³⁾ in the Committee of the Whole, the Chair⁽¹⁴⁾ responded to a parliamentary inquiry as indicated below:

MR. [MIKE] MCCORMACK [of Washington]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. MCCORMACK: Mr. Chairman, if the Wilson amendment is adopted and the section is stricken from the bill and we rise, can we come back tomorrow and put a similar section back in the bill with different numbers, or under the rules could we not replace that section at all?

THE CHAIRMAN: The Chair will have to tell the gentleman that the Chair can only determine germaneness after examination of the proposal. Therefore, the Chair cannot say whether or not any proposals that were offered would be in order, but an amendment different from the text stricken could be

in order if germane. The Chair simply cannot state what proposal.

MR. MCCORMACK: So a proposal could be in order that would put in a new price formula tomorrow, even if the Wilson amendment were passed today?

THE CHAIRMAN: The Chair finds it extraordinarily difficult to anticipate anything, but the Chair can conceive of a circumstance in which that would be true.

§ 31.7 While it is not in order to perfect language which has been stricken, an amendment may be offered to insert new language which is germane to the bill and not identical to the language stricken.

On Sept. 2, 1976,⁽¹⁵⁾ during consideration of H.R. 13636 (extension of the Law Enforcement Assistance Administration Act), and following the adoption of an amendment striking certain language in the bill, an amendment was offered by Mrs. Millicent Fenwick, of New Jersey, to strike certain words from the portion of the bill that had been deleted. She stated her intention to be to restore the language of the bill with only certain words, as indicated, stricken. A parliamentary inquiry was made by Mr. Robert McClory, of Illinois:

MR. MCCLORY: . . . I made my parliamentary inquiry as to whether or

12. 121 CONG. REC. 24386, 94th Cong. 1st Sess.

13. H.R. 7014, Energy Conservation and Oil Policy Act of 1975.

14. Richard Bolling (Mo.).

15. 122 CONG. REC. 28941, 28942, 28958, 94th Cong. 2d Sess.

not it was appropriate to reinsert language which had already been deleted.

THE CHAIRMAN:⁽¹⁶⁾ The Chair will state that language which has been stricken cannot be inserted; but other language can be inserted that is germane to the bill.

§ 31.8 While it is not in order to offer an amendment to a pending amendment to insert language identical to language which has been stricken from the amendment, any change in substance in the words sought to be inserted allows the amendment to be offered, such as the change of the word "shall" to the word "may."

On Apr. 9, 1979,⁽¹⁷⁾ the Committee of the Whole having under consideration H.R. 3324,⁽¹⁸⁾ the above-stated proposition was illustrated as indicated below:

MR. [JOHN H.] ROUSSELOT [of California]: Mr. Chairman, I offer an amendment to the amendment, as amended.

The Clerk read as follows:

Amendment offered by Mr. Rousselot to the amendment offered by Mr. Bauman, as amended: Imme-

diately after the last sentence of subsection (a) of section 533 of the amendment offered by Mr. Bauman, as amended, add the following:

(b) In furtherance of the purposes of this section and the foreign policy objectives of the United States the President may appoint a team of impartial observers to observe elections in southern Africa. . . .

(c) of the amounts authorized to be appropriated to carry out the purposes of this section, \$20,000,000 may be made available to the government of Zimbabwe/Rhodesia which is installed in that nation as a result of the election held in April 1979, which election may be evaluated and reported upon by observers as provided for in this section. . . .

MR. [STEPHEN J.] SOLARZ [of New York]: Mr. Chairman, I make a point of order that the amendment just offered by the gentleman from California is out of order on the ground that it is virtually identical to the amendment which was just overwhelmingly rejected by the House, in that it does provide for \$20 million in foreign aid to Rhodesia for these observers. It is essentially identical to the amendment we just rejected and, therefore, it should be ruled out of order.

THE CHAIRMAN:⁽¹⁹⁾ Does the gentleman from California (Mr. Rousselot) desire to be heard on the point of order?

MR. ROUSSELOT: Yes, Mr. Chairman. I have made some changes and substituted the word "may" for "shall." It is a substantive change, and I believe it is in order on the basis of the way I have submitted it.

THE CHAIRMAN: Does the gentleman from Maryland (Mr. Bauman) desire to be heard on the point of order?

16. Benjamin S. Rosenthal (N.Y.).

17. 125 CONG. REC. 7761, 96th Cong. 1st Sess.

18. The International Development Cooperation Act of 1979.

19. Elliott H. Levitas (Ga.).

MR. [ROBERT E.] BAUMAN [of Maryland]: Only to point out that the previous language was mandatory. The previous language in the amendment voted down was mandatory insofar as the allocation of funds, and in this case it is totally discretionary, a fundamental change in the character of the amendment. Therefore, I do not think the point of order is well taken. . . .

THE CHAIRMAN: Is there any further discussion on the point of order? If not, the Chair is prepared to rule.

The Chair has compared the language in the amendment offered by the gentleman from California (Mr. Rousselot) to the language just stricken from the amendment offered by the gentleman from Maryland (Mr. Bauman) as a result of the amendment offered by the gentleman from New York. The rule is that identical or substantially identical language cannot be inserted after an amendment striking substantially identical language has been adopted.

In reading the amendment offered by the gentleman from California, the Chair notes certain changes in language which the Chair does not believe to be substantial in nature; however, in section (c) which is added by the amendment, the change of the word "shall" to the word "may" appears to the Chair to be a change of substance, a material change in the substance of the amendment offered by the gentleman from California, different from that which appeared in the original text of the amendment offered by the gentleman from Maryland.

Consequently, it is the opinion of the Chair that it is in order for the amendment to be offered and the point of order is overruled.

Amendment Inserting Language in Stricken Paragraph

§ 31.9 Where an amendment has been adopted striking out language in a bill, a perfecting amendment to the language already stricken out comes too late and is not in order.

The Chair in this instance held that, where the Committee of the Whole has adopted an amendment striking out several consecutive paragraphs in a bill, an amendment proposing to insert language in a paragraph which has been stricken comes too late and is not in the proper form.

On July 16, 1973, during consideration of a bill²⁰ to amend and extend the Agricultural Act of 1970, the following amendment⁽¹⁾ as agreed to.⁽²⁾

Amendment offered by Mr. (Bob) Bergland [of Minnesota]: Page 27, line 4, strike out on page 27 all of line 4 and the remainder through page 36 line 15. . . .

Subsequently, an amendment was offered, as follows:⁽³⁾

Amendment offered by Mr. [Charles A.] Vanik [of Ohio]: Page 32, imme-

²⁰ H.R. 8860.

¹ See 119 CONG. REC. 23970, 93d Cong. 1st Sess.

² *Id.* at p. 23972.

³ *Id.* at p. 23983.

diately after line 22, insert the following new paragraph: . . .

The following exchange then took place:⁽⁴⁾

MR. [CHARLES M.] TEAGUE [of California]: Mr. Chairman, am I not correct that this amendment comes within the section which was stricken from the bill? . . .

THE CHAIRMAN:⁽⁵⁾ . . . [T]he amendment does go to the portion of text which has been stricken and is not in order in the form offered.

Amendment Offered To Perfect Language That Had Been Stricken; No Point of Order Made

§ 31.10 It is not in order to propose an amendment to perfect language in a bill which has been previously stricken by amendment, but where no point of order was made the Chair put the question on the amendment even though its adoption would have no effect.

On Sept. 2, 1976,⁽⁶⁾ during consideration of a bill⁽⁷⁾ in the Committee of the Whole, an amend-

ment to previously stricken language was pending, which resulted in several parliamentary inquiries being directed to the Chair. The proceedings were as follows:

The Clerk read as follows:

Amendment offered by Mr. Wiggins: On page 16, line 2, strike "(a)" and on lines 10 through 24, and on page 17, lines 1 through 5, strike the whole of section 108 (b) and (c).

THE CHAIRMAN:⁽⁸⁾ The question is on the amendment offered by the gentleman from California (Mr. Wiggins). . . .

[T]he amendment was agreed to.

. . .

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Fenwick: On page 16, line 16, strike "and" following "physical" and on page 16, line 17, strike out "services" and on page 17, line 3, following "physical" strike out "and services". . . .

MR. [CHARLES E.] WIGGINS [of California]: . . . [T]he gentlewoman from New Jersey is offering to amend a section of the bill which has been deleted by an earlier amendment.

If, in fact, that is the amendment, it is rather late for me to make a point of order with respect to it, but we are amending something which is not in the bill to be amended.

THE CHAIRMAN: The Chair has examined the Wiggins amendment,

8. Benjamin S. Rosenthal (N.Y.).

4. *Id.* at p. 23984.

5. William H. Natcher (Ky.).

6. 122 CONG. REC. 28939, 28941, 28942, 28957, 28958, 94th Cong. 2d Sess.

7. H.R. 13636, Extension of the Law Enforcement Assistance Administration Act.

which struck out, on page 16, lines 10 to 24, down through line 5 on page 17. For that reason, in response to the gentleman's parliamentary inquiry, the gentlewoman's amendment would have no effect.

MRS. FENWICK: Mr. Chairman, I should have included in my amendment the restoration of the original phraseology, omitting only those three or four words.

THE CHAIRMAN: Would the gentlewoman perhaps seek unanimous consent to withdraw her amendment, and at her leisure and prerogative redraft the amendment consistent with the situation the bill is in as of now?

MRS. FENWICK: Mr. Chairman, I do so.

THE CHAIRMAN: Is there objection to the request of the gentlewoman from New Jersey? . . .

MR. [ROBERT] MCCLORY [of Illinois]: Mr. Chairman, I object. . . .

THE CHAIRMAN: The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick). . . .

MR. WIGGINS: Mr. Chairman, if I understood the Chairman's ruling on the previous parliamentary inquiry, there is nothing to be amended and we are voting on nothing.

THE CHAIRMAN: In respect to the gentleman's very thoughtful parliamentary inquiry, the Chair has previously stated that the amendment offered by the gentlewoman from New Jersey would in fact be null and void. But under the parliamentary situation and the objection of the gentleman from Illinois, the Chair has no choice but to put the question on the amendment, and the members of the Com-

mittee will make such decision as they deem appropriate under these circumstances. . . .

MR. MCCLORY: Mr. Chairman, did I understand accurately the request of the gentlewoman, that she wanted to reinsert the language except for these words?

THE CHAIRMAN: The gentlewoman's request was to withdraw the amendment and she would offer another amendment, which is her total prerogative.

MR. MCCLORY: Mr. Chairman, I have no objection to the gentlewoman withdrawing the amendment.

THE CHAIRMAN: Is there objection to the request of the gentlewoman from New Jersey?

MR. [JAMES R.] MANN [of South Carolina]: Mr. Chairman, I object to the unanimous consent request.

THE CHAIRMAN: Objection is heard.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. Fenwick).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 23, noes 20.

So the amendment was agreed to.

Adoption of Motion To Strike and Insert as Precluding Vote on Pending Motion To Strike

§ 31.11 If an amendment to strike out a section or paragraph and insert new language is agreed to, and is co-extensive with a pending amendment proposing to

strike out the section or paragraph, such motion to strike falls and is not voted on.

On Sept. 15, 1970,⁽⁹⁾ the following proceedings took place:

Amendment offered by Mr. [Sam M.] Gibbons [of Florida]: On page 41 strike all of section 120, lines 1 through 23, inclusive. . . .

Amendment offered by Mr. [James G.] O'Hara [of Michigan]: On page 41, strike out line 1 through line 23 and insert the following:

Motions in the House to Dispose of Nongermane Amendments Between the Two Houses to House or Senate Bills or Resolutions. . . .

[The O'Hara amendment was agreed to.]

MR. [DURWARD G.] HALL [of Missouri]: Mr. Chairman, a parliamentary inquiry. Have we voted on the amendment offered by the gentleman from Florida (Mr. Gibbons)?

THE CHAIRMAN:⁽¹⁰⁾ The Chair would like to inform the gentleman from Missouri that since the amendment to strike and insert of the gentleman from Michigan (Mr. O'Hara) was adopted, that means that the amend-

ment offered by the gentleman from Florida (Mr. Gibbons) the motion to strike, that is, falls as a result of the adoption of the first amendment.

Similarly, on July 12, 1951, the Chair indicated that, if a motion to strike out a paragraph and insert new language is agreed to, a pending amendment proposing to strike out the paragraph falls and is not voted upon. On that date, a bill⁽¹¹⁾ was under consideration to amend the Defense Production Act of 1950. An amendment was offered as follows:⁽¹²⁾

Amendment offered by Mr. [Howard H.] Buffett [of Nebraska]: Page 8, line 25, strike out all of subsection (e). . . .

A further amendment was offered:⁽¹³⁾

Amendment offered by Mr. [Jesse P.] Wolcott [of Michigan] as a substitute for the amendment offered by Mr. Buffett: Page 8, line 25, strike out subsection (e) and insert in lieu thereof the following: . . .

The following proceedings then took place:

MR. [JACOB K.] JAVITS [of New York]: Mr. Chairman, I offer an amendment perfecting the language sought to be stricken by the amendment offered by the gentleman from Nebraska (Mr. Buffett) . . .

Amendment offered by Mr. Javits: On page 9, line 1, after the word "de-

9. 116 CONG. REC. 31840, 31845, 31846, 91st Cong. 2d Sess. Under consideration was H.R. 17654.

For further discussion of circumstances in which a vote may or may not be taken on a pending motion to strike following adoption of a perfecting amendment, see §§ 16 and 30, *supra*.

10. William H. Natcher (Ky.).

11. H.R. 3871.

12. 97 CONG REC. 8073, 82d Cong. 1st Sess.

13. *Id.* at p. 8077.

fense", insert "and upon the certification of the Director of Defense Mobilization that it is required for the national defense and is not otherwise obtainable."¹⁴

THE CHAIRMAN:⁽¹⁵⁾ . . . Under the rules the perfecting amendment will be voted upon first; the motion to strike out and insert will be voted upon next; and, should the amendment by the gentleman from Michigan (Mr. Wolcott) be adopted, the motion made by the gentleman from Nebraska (Mr. Buffett) would fall.⁽¹⁶⁾

Adoption of Amendment To Strike Out and Insert as Precluding Motion To Strike Same Text

§ 31.12 The adoption of an amendment to strike out a subsection of a bill and insert new provisions would preclude the offering of an amendment to strike out that subsection.

On Dec. 17, 1970,⁽¹⁷⁾ the following exchange took place:

MR. [WILLIAM A.] STEIGER OF WISCONSIN: May I inquire of the Chair as to whether or not, if the Mink amendment presently before the committee is adopted an amendment would be in order to strike that section?

14. *Id.* at p. 8084.

15. Wilbur D. Mills (Ark.).

16. 97 CONG. REC. 8090, 82d Cong. 1st Sess.

17. 116 CONG. REC. 42228, 91st Cong. 2d Sess. Under consideration was H.R. 19446.

THE CHAIRMAN:⁽¹⁸⁾ The Chair will advise the gentleman that the Mink amendment proposes to strike subsection (c) and insert new language. If that amendment is adopted it would not then be in order to strike subsection (c).

§ 31.13 Adoption of an amendment striking out certain words and inserting new text precludes the offering of a subsequent motion to strike out that text.

On July 25, 1974,⁽¹⁹⁾ the Committee of the Whole having under consideration a bill,⁽²⁰⁾ the Chair advised that a motion to strike out a title, as described above, was not in order. The proceedings were as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I offer an amendment to the committee amendment in the nature of a substitute.

The Clerk read as follows:

Amendment offered by Mr. Udall to the committee amendment in the nature of a substitute: Strike page 268, line 19, through page 271, line 24, and insert in lieu thereof the following:

Sec. 601. (a) With respect to Federal lands within any State, the Secretary of Interior may, and if so requested by the Governor of such State, shall review any area within

18. James C. Corman (Calif.).

19. 120 CONG. REC. 25240, 25241, 93d Cong. 2d Sess.

20. H.R. 11500, Surface Mining Control and Reclamation Act of 1974.

such lands to assess whether it may be unsuitable for mining operations.
 . . .

THE CHAIRMAN:⁽²¹⁾ . . . The question is on the amendment offered by the gentleman from Arizona (Mr. Udall) to the committee amendment in the nature of a substitute.

So the amendment to the committee amendment in the nature of a substitute was agreed to.

MR. [CRAIG] HOSMER [of California]: Mr. Chairman, I now offer my amendment to delete title VI.

THE CHAIRMAN: The Chair will advise the gentleman from California that the entire title has been amended by the Udall amendment and at this point an amendment to strike the title would not be in order.

Adoption of Amendment To Strike Out and Insert as Precluding Further Amendment

§ 31.14 When an amendment striking out certain language and inserting other provisions has been adopted, it is not in order to further amend the provisions so inserted.

On Mar. 16, 1960,⁽¹⁾ the following exchange took place:

21. Neal Smith (Iowa).

1. 106 CONG. REC. 5755, 5762, 86th Cong. 2d Sess. Under consideration was H.R. 8601.

See also 107 CONG. REC. 11093-98, 11100-03, 87th Cong. 1st Sess., June 22, 1961; and 107 CONG. REC. 8117,

MR. [GEORGE] MEADER [of Michigan]: Mr. Chairman, as I understand the situation, we are now considering the amendment offered by the gentleman from Michigan (Mr. O'Hara), which strikes out certain language on pages 5 and 6 which relates to provisional voting. If the O'Hara amendment is adopted, would it be in order to strike out the language just approved by the committee or would that be the end of any consideration of the provisions relating to provisional voting.

THE CHAIRMAN:⁽²⁾ In reply to the parliamentary inquiry of the gentleman, the Chair will state that the so-called O'Hara amendment to the substitute amendment, as the Chair understands it, does strike out the language which the gentleman has just mentioned and inserts other language, therefore, if the amendment is agreed to the amendment cannot be further amended.

Similarly, on Feb. 7, 1964,⁽³⁾ the Chairman,⁽⁴⁾ responding to inquiries by Mr. James Roosevelt, of California, indicated that, if a motion to strike out all after the first word of text and insert a new provision is agreed to, the language thus inserted cannot thereafter be amended.

—Even Where Title Is Open to Amendment at Any Point

§ 31.15 Where an amendment striking out a section and in-

8120, 87th Cong. 1st Sess., May 16, 1961.

2. Francis E. Walter (Pa.).

3. 110 CONG. REC. 2489, 88th Cong. 2d Sess. Under consideration was H.R. 7152.

4. Eugene J. Keogh (N.Y.).

serting new language has been adopted, it is not in order to propose a further amendment to that section; thus, it is not in order to further amend a section which has been amended in its entirety, even where the title containing that section is open to amendment at any point pursuant to a special rule providing for reading for amendment by titles.

On July 18, 1974,⁽⁵⁾ during consideration of a bill in the Committee of the Whole, the following proceedings occurred:

The Clerk read as follows:

Amendment offered by Mr. Hosmer to the committee amendment in the nature of a substitute: Page 142, line 3. Strike out "Sec. 101.; and insert a "Sec. 101." to read as follows:

Sec. 101. The Congress finds that—

(a) the extraction of coal by underground and surface mining from the earth is a significant and essential activity which contributes to the economic, social, and material well-being of the Nation. . . .

THE CHAIRMAN:⁽⁶⁾ The question is on the amendment offered by the gentleman from California (Mr. Hosmer)

5. 120 CONG. REC. 24108, 24109, 24113, 24114, 93d Cong. 2d Sess. Under consideration was H.R. 11500, Surface Mining Control and Reclamation Act of 1974.

6. Neal Smith (Iowa).

to the committee amendment in the nature of a substitute.

The amendment to the committee amendment in the nature of a substitute was agreed to.

THE CHAIRMAN: Are there further amendments to title I?

MR. [STEVEN D.] SYMMS [of Idaho]: Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. Symms: On page 143, following line 11, add a new subsection (f), as follows:

Every resident of the United States of America has a right to the benefit of full production. . . .

THE CHAIRMAN: The Chair will state that this is an amendment to section 101 in title I, which has already been amended in its entirety, and therefore the amendment is not in order. . . .

MR. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, a parliamentary inquiry. . . .

. . . I do not recall, but I believe I have been here the whole time, and I do not recall when the bill was originally read that it was going to be read section by section. I had understood it was to be read title by title, and we could amend it at any point at that time.

THE CHAIRMAN: The Chair will state that the bill is being read title by title.

MR. KETCHUM: Then why, Mr. Chairman, may I ask, is the gentleman from Idaho (Mr. Symms) not able to offer his amendment to section 101.

THE CHAIRMAN: The Chair will state that that is because section 101 of title I has been amended in its entirety, and therefore a further amendment to that section would not be in order.

—Where Proposed Amendments Have Been Printed in Record

§ 31.16 Adoption of an amendment, as amended, which changes an entire section precludes further amendments to that section, even where such amendments have been printed in the Record pursuant to the rule⁽⁷⁾ which guarantees 10 minutes of debate on amendments printed one calendar day in advance of floor consideration.

On July 22, 1974,⁽⁸⁾ during consideration in the Committee of the Whole of a bill⁽⁹⁾ the Chair responded to several parliamentary inquiries as to the effect of the adoption of an amendment, as described above. The proceedings were as follows:

MR. [MORRIS K.] UDALL [of Arizona]: Mr. Chairman, I move that all debate on the pending Hosmer amendment and the Mink substitute for that amendment and all perfecting amendments to either close at 40 minutes past 4 o'clock. . . .

MR. [JOHN D.] DINGELL [of Michigan]: Mr. Chairman, a parliamentary inquiry.

7. Rule XXIII clause 6, *House Rules and Manual* §874 (101st Cong.).
8. 120 CONG. REC. 24459, 24460, 93d Cong. 2d Sess.
9. H.R. 11500, Surface Mining Control and Reclamation Act of 1974.

THE CHAIRMAN:⁽¹⁰⁾ The gentleman will state it.

MR. DINGELL: Mr. Chairman, reserving the right to object for the purpose of making a parliamentary inquiry, as I understand there are a number of us who do have amendments to the bill itself or which are appropriate to the substitute amendment offered by the gentlewoman from Hawaii or the gentleman from California.

Now, what is the ruling of the Chair with regard to the limitation of time on section 201? Are those amendments published in the Record foreclosed from the 5-minute rule by reason of the debate here, or foreclosed by expiration of the time under the clock, if the time does expire from even offering an amendment?

THE CHAIRMAN: If section 201 of the bill is later open to amendment due to adverse disposition of the Mink substitute and the Hosmer amendment, then those rights would obtain; but those rights would be foreclosed if no further amendments to section 201 were in order. . . .

MR. DINGELL: The provisions of the rule relating to 5 minutes of time for a Member where he has published his amendment in the Record in appropriate fashion will not be protected if either the Mink amendment or the amendment to the amendment of Mr. Hosmer is adopted; am I correct?

THE CHAIRMAN: If the substitute is adopted to the Hosmer amendment and then the Hosmer amendment as amended by the substitute is adopted, further amendments to section 201 could not be offered. Therefore, there would be no further amendments appropriate. . . .

10. Neal Smith (Iowa).

MR. [WAYNE L.] HAYS [of Ohio]: Mr. Chairman, is it not true that if, under the gentleman's motion, an amendment—I am now giving a hypothetical situation—the Mink substitute for that portion of the Hosmer amendment were to prevail, and the Hosmer amendment would be defeated, is it not true that the rest of that section which the Mink substitute does not pertain to would be proper to amend at any point?

THE CHAIRMAN: If the entire section has been amended, further amendments to that section would not be in order.

MR. HAYS: Not if the Hosmer substitute were defeated, it would not be true, would it? Just to section 201?

THE CHAIRMAN: If the Mink substitute is adopted, the vote would then recur on the Hosmer amendment since it is a substitute for the entire amendment. If the Hosmer amendment were then adopted, section 201 would not be open to amendment.

—Amendment to Substitute as Precluding Further Amendment to Substitute .

§ 31.17 A substitute amendment having been amended by striking out certain language therein and inserting a new provision, the portion of the substitute which is so altered cannot be further amended.

On Mar. 15, 1960,⁽¹¹⁾ the following proceedings took place:

11. 106 CONG. REC. 5644, 5645, 5655, 86th Cong. 2d Sess. Under consideration was H.R. 8601.

The Clerk read as follows:

Amendment offered by Mr. [Robert W.] Kastenmeier [of Wisconsin]: On page 1, line 8 of the McCulloch substitute, before the word "In", insert "(e)(1)(A)" and on page 1 of the McCulloch substitute strike out "that any person has been deprived" on line 9 and all that follows down through the last page of such substitute, and insert in lieu thereof the following: . . .

MR. [JAMES] ROOSEVELT [of California]: If the Kastenmeier amendment prevails, would it then become subject to amendment?

THE CHAIRMAN:⁽¹²⁾ No; the Kastenmeier amendment is an amendment to the pending substitute for the amendment provided under the rule and it would not be subject to amendment.

Subsequent Amendment Enlarging Scope of Changes Made by First Amendment

§ 31.18 Although it is not in order to propose an amendment changing the precise language of an amendment already agreed to, the adoption of a "perfecting" amendment to strike out and insert does not preclude the offering of another amendment to strike out and insert which goes beyond the changes made by the first amendment.

12. Francis E. Walter (Pa.).

On June 29, 1972,⁽¹³⁾ the following proceedings took place:

The Clerk read as follows:

Committee amendment: Page 3, at the beginning of lines 12, 16, and 23, and on page 4, at the beginning of lines 5 and 9, insert quotation marks; and on page 4, at the end of line 10, strike out the quotation marks.

The committee amendment was agreed to. . . .

The Clerk read as follows:

Committee amendment: Page 4, line 3, insert "a bona fide" immediately after "and".

The committee amendment was agreed to. . . .

The Clerk read as follows:

Committee amendment: Page 4, line 13, strike out ", if any,".

The committee amendment was agreed to. . . .

The Clerk read as follows:

Amendment offered by Mr. (William A.) Barrett (of Pennsylvania): Page 4, line 6, strike out ", at the option of the loan applicant."

Page 4, strike out lines 9 through 16 and insert in lieu thereof the following: "rehabilitation, or replacement cancel the principal of the loan, except that the total amount so canceled shall not exceed \$2,500, and make the balance of such loan, if any, at an interest rate of 1 per centum per annum". . . .

MR. [THOMAS M.] REES [of California]: The gentleman is offering an amendment to an area that has al-

ready been approved. The committee has already approved the language on page 4.

THE CHAIRMAN:⁽¹⁴⁾ The amendment that is now being offered goes beyond the committee amendment which has been considered.

§ 31.19 In response to a parliamentary inquiry, the Chair indicated that adoption of an amendment striking out a paragraph and inserting new language would eliminate a perfecting amendment already adopted to that paragraph.

On Mar. 21, 1975,⁽¹⁵⁾ during consideration in the Committee of the Whole of a bill,⁽¹⁶⁾ the proceedings, described above, occurred as follows:

MRS. [MILLICENT] FENWICK [of New Jersey]: Mr. Chairman, I am not sure but that I have let the time go by, but I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. Fenwick: Page 11, strike out lines 1 through 12 and insert in lieu thereof:

"(d) Not more than 50 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated (1) for use with respect to existing previously occupied dwellings which have not been substantially rehabilitated and (2) for use

13. 118 CONG. REC. 23406-08, 92d Cong. 2d Sess. Under consideration was H.R. 15692.

14. B.F. Sisk (Calif.).

15. 121 CONG. REC. 7950, 7952, 94th Cong. 1st Sess.

16. H.R. 4485, the Emergency Middle-Income Housing Act of 1975.

with respect to new, unsold dwelling units the construction of which commenced prior to the enactment of this Act. Not more than 10 per centum of the aggregate mortgage amounts approved in appropriation Acts may be allocated with respect to dwelling units with appraised values in excess of \$38,000." . . .

MR. [LES] AU COIN [of Oregon]: Mr. Chairman, I offer a perfecting amendment.

The Clerk read as follows:

Perfecting amendment offered by Mr. AuCoin: On page 11, line 1, strike out "25" and insert in lieu thereof "30".

On page 11, line 3, insert "with respect to existing units and" immediately after "use."

THE CHAIRMAN:⁽¹⁷⁾ The Chair will treat this amendment as a perfecting amendment to the paragraph of the bill and it will be voted on first. . . .

The question is on the perfecting amendment offered by the gentleman from Oregon (Mr. AuCoin).

The perfecting amendment was agreed to.

THE CHAIRMAN: The question is on the amendment offered by the gentleman from New Jersey.

The question was taken; and the Chairman announced that the ayes appeared to have it. . . .

MR. [THOMAS L.] ASHLEY [of Ohio]: . . . Mr. Chairman, a further parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. ASHLEY: It is on this basis, Mr. Chairman, that I misunderstood the parliamentary situation. I had thought

that the gentleman's amendment was in the nature of a substitute. Inasmuch as the gentleman's amendment was adopted, is it also the fact that the amendment of the gentleman from New Jersey (Mrs. Fenwick) was adopted?

THE CHAIRMAN: Yes, thereby deleting the language which contained the perfecting amendment of the gentleman from Oregon.

§ 32. Amendments in Nature of Substitute; Substitute Amendments

Adoption of Amendment in Nature of Substitute, Generally

§ 32.1 Where an amendment in the nature of a substitute is agreed to, further amendment is not in order.

The principle stated above was the basis of the following proceeding which occurred on Mar. 26, 1985,⁽¹⁸⁾ during consideration of House Resolution 100⁽¹⁹⁾ in the House:

MR. [JOSEPH M.] GAYDOS [of Pennsylvania]: Mr. Speaker, by direction of

18. 131 CONG. REC. 6274, 6275, 99th Cong. 1st Sess. The principle has often been relied upon. As a further example, see, in addition to the precedents that follow, the proceedings of Aug. 7, 1964, at 110 CONG. REC. 18608, 18609, 88th Cong. 2d Sess.

19. Providing investigative funds for House committees.

17. Robert N. Giaimo (Conn.).